

EXHIBIT 1



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, DC 20240

AUG 20 2013

P4217(2740)
NPS-13-0274

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dave McCutcheon
100-26 67th Rd. Apt. 1C
Forest Hills, NY 11375

Re: NPS-13-0274, Acceptance Letter

Dear Mr. McCutcheon:

This letter is in regard to the above-referenced formal complaint of discrimination filed by you on July 27, 2013. Please include the above-referenced case number on all future correspondence or other documents regarding this complaint.

Following a review of your complaint and the EEO Counselor's report, and in accordance with Title 29 Code of Federal Regulations (C.F.R.), Part 1614 the following claims are accepted for investigation:

Whether the Complainant was discriminated against and subjected to harassment on the basis of age (DOB 06/1960) when:

- a. In October 2012, he was not appointed to manage the "Creating a Symbol" program.
- b. Beginning in October 2012, he was continually not promoted to the position of Education Specialist.
- c. On April 25, 2013, he was denied Wild Land Fire training.
- d. On April 10, 2013, he was threatened with AWOL.
- e. His duty station was located outside in Battery Park while younger Rangers were detailed within the Ellis Island Buildings. (Winter of 2012)
- f. In December 2012, his request for light duty was denied by his immediate supervisor.

- g. Beginning in December 2012, and continuing he was denied the opportunity to present programs at Ellis Island.
- h. Beginning in December 2012, and continuing he was denied funding to participate in a Masters program.
- 2. Whether the Complainant was discriminated against on the basis of reprisal (this EEO activity) when on May 21, 2013, he was scheduled to commute two hours to a school to present a "Creating a Symbol" program and he was provided with misinformation regarding the time he was supposed to meet a co-worker.

If you believe that the claims in your complaint have not been correctly identified, please provide me written clarification within five (5) calendar days after your receipt of this letter, specifying why you believe the claims have not been correctly identified. Your allegations must be limited to the claims you discussed with the EEO Counselor. If you do not reply within the specified time period, I will consider that you agree with the claims as defined above.

An EEO investigator will be assigned to thoroughly investigate all aspects of the claims accepted for processing. The investigator has the authority to administer oaths and to require employees to furnish affidavits under oath or affirmation without a promise of confidentiality or, alternatively, by written statements under penalty of perjury. You have a responsibility to cooperate with the investigator by timely scheduling an appointment, meeting with the investigator, and providing necessary written statements. Failure to do so may result in the dismissal of the complaint for failure to cooperate.

Once the investigator is assigned, he/she will contact you and inform you of the date when the investigation is expected to begin. When the investigation is concluded, you will be provided a copy of the investigative file along with rights and responsibilities regarding the further processing of the complaint. If you do not wish to pursue the complaint, you may withdraw it at any time by completing and returning the enclosed withdrawal form.

Your complaint will be investigated accordance with Title 29 Code of Federal Regulations 1614.108. Please be advised that the above referenced regulations require that the agency's investigation be completed within 180 days of the filing of the formal complaint unless the complainant and the agency agree in writing to extend the period. The investigative period may be extended for an additional 90 calendar days. 29 Code of Federal Regulations 1614.108(f), provides that you may request a hearing before an Administrative Judge with the EEOC, when more than 180 days have elapsed since the filing of your formal complaint. Your request for a hearing must be made directly to the EEOC and sent to the following address:

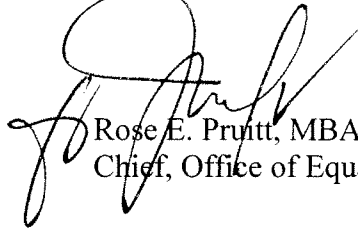
New York District Office
Equal Employment Opportunity Commission
33 Whitehall Street, 5th Floor
New York, NY 10004

After requesting a hearing, you may file a motion with the administrative judge to amend your complaint to include issues or claims like or related to those raised in your complaint.

You also need to be aware that 29 C.F.R. § 1614.603 states that parties shall make reasonable efforts to voluntarily settle the complaint throughout the process. For information regarding the Department of the Interior's COREPLUS program, or other resolution methods available to you, please contact the EEO Specialist listed below. Please note that the terms of any resolution/settlement, should one be reached, will be reduced to writing, and you will be provided a copy.

If you have any questions regarding this matter, please contact Kimberly Butler, EEO Specialist, at 202/354-1872.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rose E. Pruitt', is written over the printed name.

Rose E. Pruitt, MBA
Chief, Office of Equal Opportunity Programs

Enclosure: Withdrawal of Complaint Form

cc: Carol Harvell, EEO Manager, Northeast Region

WITHDRAWAL

Complainant's Name: Dave McCutcheon Case Number: NPS-13-0274

I do not intend to pursue the above-referenced formal complaint and am withdrawing the formal complaint. I understand that the Equal Employment Opportunity Programs at the National Park Service will close the complaint and will have no obligation to further process the complaint. I am forwarding my written withdrawal form to the address indicated below:

National Park Service
Office of Equal Opportunity Programs
1201 Eye Street, NW, Suite 530A (2740)
Washington, DC 20005

Complainant

Date

Complainant's Representative (if applicable)

Date